

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION**

**CASE NO. 24-14200-CIV-CANNON/Maynard**

**ABDEL HAMMAD,**

Plaintiff,

v.

**LOWE’S HOME CENTERS LLC,  
DENNIS PLUMMER, DAVID  
MCNULTY, and MARIO CRUZ,**

Defendants.

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**ORDER ACCEPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION  
AND DISMISSING INDIVIDUAL DEFENDANTS**

**THIS CAUSE** comes before the Court upon Magistrate Judge Maynard’s Report and Recommendation (the “Report”), issued on November 21, 2024 [ECF No. 33]. The Report recommends that Plaintiff’s Second “Motion to Remand and to Amend Case Style” (the “Motion”) [ECF No. 26] be denied. Both Plaintiff and Defendants filed Notices of No Objections to the Report [ECF Nos. 34–35]. Upon review of the Report and the Motion, the Report [ECF No. 33] is **ACCEPTED**, and the Motion [ECF No. 26] is **DENIED** for the reasons stated in the Report.

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To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge’s report,


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the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following review, the Court finds no clear error on the face of the Report and no errors of law. Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 33] is **ACCEPTED**.
2. The Motion to Remand and to Amend Case Style [ECF No. 26] is **DENIED** for the reasons stated in the Report.
3. In light of this Order, Defendants Dennis Plummer, David McNulty, and Mario Cruz (the "Individual Defendants") are **DISMISSED** as Defendants in this case, assuming they were properly added in the first instance.
4. The Individual Defendants' Motion to Dismiss [ECF No. 31] is **DENIED AS MOOT**. The Clerk is directed to **TERMINATE** Dennis Plummer, David McNulty, and Mario Cruz as Defendants in this Action.
5. This case remains active between Plaintiff and Defendant Lowe's Home Centers, LLC.
6. Any future amendment to the Amended Complaint must come in the form of a properly filed motion under Rule 15.

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida, this 9th day of December 2024.

  
**AILEEN M. CANNON**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record